

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

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U.S. DISTRICT COURT
N.D. OF ALABAMA

NATIONAL METALS, INC.,

Plaintiff,

vs.

FRANKLIN SMELTING AND
REFINING CORP.,

Defendant.

CV-97-BU-3142-S

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ENTERED

JAN 27 1999

FINDINGS AND CONCLUSIONS

This cause coming on to be heard on the written application of the plaintiff, supported by affidavit, for Judgment of Default in favor of the plaintiff and against the defendant pursuant to Rule 55, Federal Rules of Civil Procedure, the Court makes the following findings and conclusions:

1. The summons and complaint were served upon defendant on February 23, 1998. The defendant has failed to appear, plead, or otherwise defend.
2. The defendant is not an infant or incompetent person, nor has it been in the military service of the United States since the filing of this suit or for a period of six months prior to the filing of this suit.
3. The defendant is indebted to the plaintiff in the principal sum of \$181,450.03, plus interest, and court costs.
4. Prejudgment interest on the principal sum of \$181,450.03 at the legal rate of 8% per annum is \$37,264.36.
5. The plaintiff is due to recover from the defendant the total sum of \$218,714.39,

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plus post-judgment interest, and court costs. A judgment will enter accordingly.

DONE this 27th day of January, 1999.

A handwritten signature in black ink, appearing to read 'H. DEAN BUTTRAM, JR.', written over a horizontal line.

H. DEAN BUTTRAM, JR.
UNITED STATES DISTRICT JUDGE